



LEGISLATIVE FISCAL OFFICE  
Streamlining Commission Analysis

Recommendation No. **RECOMMENDATION 141**  
Streamlining Draft **AGMARTIN 05**

<b>Date:</b> December 17, 2009 9:21 AM	<b>Author:</b>
<b>Dept./Agy.:</b> Corrections	<b>Analyst:</b> Matthew LaBruyere
<b>Subject:</b> Probation & Parole fees	

Proposed recommendation by the Commission on Streamlining Government calls for the Department of Public Safety & Corrections - Corrections Services to outsource the collection of probation and parole fees.

EXPENDITURES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed recommendation will result in an increase in state general fund expenditures if the Department of Corrections enters into a contract with a company that will collect probation and parole fees. Currently, Probation and Parole agents collect these fees as part of their ongoing duties. It is not known whether the contract will be paid for on a percentage basis or a flat contracted amount; however, any such cost will be in addition to costs currently incurred by Probation and Parole.

In the month of October, the Department of Corrections collected approximately 56% of available probation and parole fees. The collection rate of fees from January of 2009 through October of 2009 averaged 62%. In FY 10, Corrections anticipates collecting \$20,460,432 and expects to collect \$16,171,665 in FY 11. However, it should be noted that the anticipated collection of \$20,460,432 includes other fees collected such as victim restitution, court funds, fines, drug abuse funds, confiscated funds, transportation funds, and District Attorney fees, which do not go to Probation and Parole. Probation and Parole expects to collect \$16,000,000 in fees in FY 10.

As of September 9, 2009, there were 66,000 adults under Probation and Parole supervision. Of the 66,000 adults under Probation and Parole supervision, 43,000 are probationers, 3,500 are parolees, and 19,500 are post release (good time parole supervision). Currently, probation fees are \$50 per month and parole fees are \$53 month. According to the Department of Corrections it is not possible to collect all of the fees from probationers and parolees because probationers and parolees are in and out of jail, in and out of treatment, and in and out of work, reducing their ability to pay. The population works in lower paid jobs and cannot always pay the fees. There is case law that does not allow an offender to have probation or parole revoked if he/she is unable to pay fees.

According to the Department of Corrections, the inability to collect all fees is a result of the inability of probationers and parolees to pay their fees and is not due to the number of probation and parole agents. In some cases judges do not order probation/parole fees to be collected, and both judges and the Parole Board can order fees waived, reduced, or order community service in lieu of fees.

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REVENUE EXPLANATION

It is unknown if a contractor could collect a higher percentage of probation and parole fees since, according to the department, failure to pay fees is at least partly due to the inability to pay such fees. By issuing an RFP, the Department of Corrections can determine if it is cost effective to enter into a contract for the collection of probation and parole fees. If additional fees to cover the cost of private collection are not collected, then less revenue would be available to Probation & Parole to continue operating at the current level.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	
<input type="checkbox"/> 13.5.1 >= \$500,000 Annual Fiscal Cost		<input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost	<u>H. Gordon Monk</u>
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease	<b>H. Gordon Monk</b> <b>Legislative Fiscal Officer</b>



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**CONTINUED EXPLANATION from page one:** Page 2 of 2

Currently, there are 797 T.O. in Field Services of Adult Probation & Parole. Of the 797 T.O., 472 are funded by state general fund and 325 are funded by self-generated revenue. Of these same 797 T.O., 523 are probation and/or parole agents.

According to the Department of Corrections, there would be no cost savings associated with this recommendation. With this recommendation, privatizing collections would allow Probation and Parole agents more time to dedicate to supervising cases rather than collecting fees. The current caseload is one agent per 125 probationer/parolees, which is the second highest caseload in the South.

The cost of contracting a private firm to collect probation and parole fees is unknown. The recommendation would go through an RFP and Corrections can decide if it is cost effective to enter into a contract.

To the extent that the contractor maintains the same collection rate as the Department of Corrections, there would be an increase in state general fund expenditures because probation and parole agents currently collect these fees as part of their ongoing duties.

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